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ABSTRACT

The document is a response by the New Mexico State Department of Education to "allegations, accusations and implications" of misuse of Federal funds intended for American Indian children. The allegations resulted from an investigation--supported by the NAACP Legal Defense and Educational Fund with the cooperation of the Center for Laws and Education of Harvard University--which was conducted in a number of states with public schools serving the Indian population. This document contains the response for the Gallup-McKinley County School System exclusively. The rebuttal selects specific allegations from the original report, "An Even Chance" (ED 047 867), and presents answers and clarifications. Recommendations of the reviewing team, resulting from their follow-up study, are also included. (EL)

ED050868

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A REPORT - "THE RESPONSE TO AN EVEN CHANCE"

The Gallup-McKinley County School District as seen by the New Mexico State Department of Education

New Mexico State Department of Education

February - 1971

A005299

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Special invitations were extended to Mr. Peter McDonald of the Navajo Nation and Mr. Robert Lewis, Zuni Governor to assist team members in the investigation.

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New Mexico State Department of Education's Response to "An Even Chance" for the Gallup-McKinley County Board of Education

A report to the Gallup-McKinley County Board of Education concerned the accusations, allegations and implications resulting from an investigation by a team supported by the NAACP Legal Defense and Educational Fund with cooperation of the Center for Laws and Education, Hammond University.

The report issued by the above study committee is entitled "An Even Chance" and is defined on the front cover as a report on federal funds for Indian children in public school districts. While the complete report is concerned with a number of states and with several districts in New Mexico, this particular response will deal exclusively with the matter that concerns Gallup-McKinley, New Mexico.

The New Mexico State Department of Education through the New Mexico State Board of Education was requested by the Gallup-McKinley County Board of Education to conduct an on-site investigation of the Gallup-McKinley County School system to determine the validity and extent of the allegation and to also determine what steps have been taken or are being taken to correct any situation which was not conducive to good education for all children in the Gallup-McKinley County School system.

Members of the State Department of Education staff conducted on-site investigation of the schools during the month of February 1971. Staff members of the Instructional Division, Indian Education (Johnson-O'Malley), School Food Services, Federal Funds

Management (P.L. 815 and P.L. 874), Title I ESEA, Migrant and Compensatory Education, visited classrooms, reviewed federal programs, interviewed staff and students and talked with school patrons concerning the conduct of education in the county.

On March 4, 1971, the Gallup-McKinley County Board of Education met with the Superintendent of Public Instruction, a member of the State Board of Education, the Deputy Superintendent and the staff members who had conducted the on-site investigation.

This was an open meeting attended by more than 60 citizens of Gallup-McKinley County. All citizens who attended the meeting were given an opportunity to ask questions and/or express their views.

The interchange between the local Board of Education, the local citizens and the State Department of Education staff lasted in excess of three and one-half hours.

Following are the reports of the members of the New Mexico State Department of Education staff members in response to the "An Even Chance" report.

Instructional Services Division

Mr. Frank Ready, Acting Director, Instructional Services, and Doyle R. Eakens, Director of Guidance Services, New Mexico State Department of Education, prepared the following report for the Gallup-McKinley County Board of Education and for the people of McKinley County. The visitations were made on February 23-24-25-26,1971. The investigators reply briefly on these findings to specific allegations as identified by particular page number. General recommendations and conclusions of the New Mexico State

Department of Education will follow at the end of all of the reports.

Report to the Gallup-McKinley County Board of Education by members of the Instructional Services Division of the New Mexico State Department of Education on visitations made to check out allegations found in "An Even Chance" report. Visits were made on February 23-26, 1971, by Doyle R. Eakens, Director of Guidance.

Schools Visited:

Aileen Roat Elementary, Zuni High School, Gallup High School, Lincoln Elementary, Crownpoint Elementary and High School, Sunnyside Elementary, Thoreau Elementary

Persons Interviewed:

A.C. Woodburn, Superintendent; Don Stokes, adm. office; L.O. Yandell, adm. office; Wendell Hendrickson, principal, Gallup; Roland Carey, principal, Towa Yallane; Orval Adams,principal; Aileen Roat; William Butler, principal, Zuni High; M.E. Fairchilds, counselor; Kenneth Kostenbader, principal, Lincoln Elementary; Alice Williams, principal, Sunnyside; Ralph Markham, principal, Crownpoint Elementary; Zane Smith, Crownpoint High School; Mrs. M. Esperanza, clerk, Gallup-McKinley Draft Board; George Tsouklarkis, student, president Indian Club; Warren Siow, student, member Indian Club; teachers, teacher aides and students in each school visited.

General Statements of Reception and Attitude

From the time I entered the Gallup-McKinley School Administration Office, I received full and appreciative cooperation. The people interviewed in every school were most cooperative and anxious to show their programs and discuss their problems.

They all expressed concern over what they consider the misrepresentations of facts that have received such wide spread publication and seemed pleased to have the opportunity to talk about and show what is being done in the school system.

Findings on Specific Charges Made in "An Even Chance"

Page 8-9

While it is quite true that certain schools in the Gallup-McKinley schools are operating at near and above planned capacity

others below capacity, the average class sizes are approximately equal. There are obviously some differences, but these do not appear to be significant. There also are differences in class size within individual schools.

Some of the schools visited and their average class sizes exclusive of kindergarten are as follows:

Aileen Roat	26	Crownpoint Elementary	25
Lincoln Elementary	28	Thoreau Elementary	25
Sunnyside	26		

As in every system, the class size in the high schools varies in accordance with interest levels and requirements. There were no severely overcrowded classes observed in any of the high schools visited.

Page 14, Item #3

In all schools visited, the maintenance of the buildings was adequate. They were clean and the grounds well kept. The rest rooms were, without exception, clean and fresh smelling. The custodians were busy cleaning in every school and said they had supplies whenever needed.

For the 1970-71 school year, of the 19 elementary schools in the system, 17 received approved status, two approved advised. Of the seven secondary schools, six were approved, one approved advised. Approved status means that the schools meet the standards established by the New Mexico State Board of Education.

The highest teacher loads at the secondary level occur at Kennedy Junior High and Gallup High School -- both are in the city of Gallup. The lowest teacher loads occur at Thoreau and Zuni -- both rural high schools.

The professional teaching staff is certified by the State Department of Education. Audio-visual equipment was in use in every school. The film library, which is excellent, is maintained in the central office. The films are available to all schools on request and range in instructional levels from K-12. The faculty members interviewed indicated they had never been refused supplies or equipment when it was requested unless it was not available in the system.

Textbooks were current and in good condition.

Libraries were adequate and efforts are being made, with funds available, to increase the number of volumes and to widen the range of reading interest.

There were many volumes in the elementary schools that related to the Southwest and Indian culture.

Page 43-44: "Grassroots" - involvement of community

In every school area visited, there were active attempts being made to involve as many people in the community as possible. Meetings have been called and notices sent via students, teachers and radio informing the public of the time of meetings and the topics to be discussed. School administrators indicated their doors were always open to parents and that they were encouraged to visit the schools at any time.

Page 45: "Corporal Punishment" - use of paddles or boards to whip students

By administrative directive, there is no type of corporal punishment allowed in the Gallup-McKinley system.

Last year, corporal punishment was permitted. The "boards" used in this punishment were reported to the interviewer to be rulers only.

There were no paddles or boards seen in any school or individual room observed.

Page 46: "Speaking Navajo"

There is no administrative policy against using Navajo in the school. In every school visited, Navajo was being spoken in the hallways and on playgrounds. The student handbook from Gallup High School makes no reference to the banning of Navajo at school.

In interviews with students at Gallup High School, Zuni High School and Crownpoint High School none had ever been rebuked for speaking the native language.

Individual teachers have, however, requested their students not to speak Navajo in the classroom.

"Haircuts and Washing"

The cutting of hair, showering and washing of clothes takes place occasionally. This is done primarily at the direction of the Public Health Service, and is a health measure. There are many cases of head lice, impetigo and athletes foot. Washing and hair cutting was never forced on individual students. No complaints were ever received from parents about this practice. On the contrary, it was appreciated and well received.

"Reporting Students to Draft Board"

In an interview with the clerk in the McKinley County Draft Board it was reported by Mrs. Esperanza that to her knowledge this had never been done and that "it was news to her." It was felt that students may have been told that, unless they stayed in school, they would be subject to call by the draft. There were no students reported to the draft board for disciplinary actions.

Page 47: "Extermination of Indians"

In every schools visited there were displays of Indian students' art work. Every library had many volumes relating to Indian history and culture. The children were happy and outgoing in the situations observed. Navajo language, its history and culture is taught in the Gallup High School. There are Indian Clubs at both Gallup and Zuni High Schools that present Indian dances, culture and tradition throughout the state and other areas of the United States.

It is true that textbooks in the elementary area do not relate to the Indian, but, as the principals have stated, these are not available.

Page 48: "School Boards"

There are currently three Navajos on the five-man school board for the Gallup-McKinley County Schools.

Page 52: "Parent Participation"

The statement reportedly made by Elementary Supervisor and Title I Coordinator was denied, or taken out of context.

Page 53: "Threat to Withhold Funds"

No justification of this statement could be found.

CONCLUSION AND OBSERVATIONS:

In every school visited, classes were of manageable size, aides were used where multi-lingual (English, Indian, Spanish) backgrounds occurred.

In no situation was there any outward display of discrimination against any group of children.

A concentrated effort has been made by the individual schools and administration to keep the parents and community well informed of school activities through bulletins, the press and radio.

Federal Impact Funds

Public Law 815 is the federal statute which assists local education agencies to build school facilities when there is expressed need due to conditions of federal impact. Some examples of this include military installations, federal complexes, Indian children in public schools, etc. Public Law 874 is the federal law allowing money to be allotted to local school systems for operation of schools which are impacted with children from federal installations or children from federal reservations. By and large the laws are defined as federal monies available to local schools in lieu of local taxation.

Nora Chavez, director of Public Laws 815 and 874 for the Department of Education, had the following response to the allegations contained in "An Even Chance." The accusations implied that federal monies were used to build bigger and fancier buildings and school facilities in Gallup proper than were built in the outlying or rural areas. The other area of concern revolved around the possibility that 874 funds were used more for non-impact children than for the Indian children who in a sense of speaking "earned" the monies for the school system.

Miss Chavez responded to the report by specific pages as follows:

Page 2, paragraph 4

It is implied that the availability of Impact Aid and Johnson-O'Malley funds makes it possible for local districts to reduce taxes for non-Indian property owners.

Reports from the Division of School Finance, DFA, show that the local district tax levy has never been reduced in New Mexico by any district receiving such federal funds. The same is true of the 5-mill county wide levy which is set by statute.

Page 5, paragraphs 3 & 4

It is true that Indians were not included in P.L. 874 when it was first enacted into law, since Johnson-O'Malley funds originally were in lieu of taxes and for general operation and maintenance, therefore resulting in "dual" payments. However, since 1958 the counting of Indian pupils as eligible for P.L. 874 payments does not result in "dual" payment because 874 funds are for general operation and maintenance and Johnson-O'Malley for special and unique needs of Indian pupils. It is true that Impact Aid has become a major source of funds for districts with Indian pupils.

Page 6, paragraphs 3, 4, 5 & 6

The reference to P.L. 815, school construction, is generally correct. The local school districts are not blamed for the back-log in school construction and the reference to the estimated need for construction is correct. This office supplied the estimate for New Mexico alone and it amounts to 50 per cent of the total.

Page 6, paragraphs 7 & 8, and all of page 7: Accountability for and use of federal monies

The statements are general in nature and may be true in some districts in this state and in other states. The fact that 874 funds go directly into the general operating fund of the district is correct. In New Mexico the funds are accounted for under the accounting practices prescribed by the Division of School Finance which includes annual audits.

It is alleged in the report that in "large districts where Indian enrollment is concentrated in certain schools close to the reservation, there is typically a vast difference in the quality of education, the condition of the school, and the provision of books and supplies offered in these schools from those offered in the predominantly non-Indian schools."

Visitation efforts were concentrated in the City of Gallup, including Indian Hills Elementary, and the following schools in the "county" as they refer to schools with predominantly Indian pupils. A copy of the per pupil allocation for basic supplies and equipment paid for from general operating budget funds, in which 874 funds are included, was provided. People in the elementary and secondary sections of the central office and the principals and some teachers in Indian Hills Elementary, Church Rock Elementary, Jefferson Elementary, Crownpoint Elementary and High School, and Thoreau Elementary and High School were interviewed. Their replies were that the per pupil allocation is adhered to and that supplies and equipment are adequate.

The schools with Johnson-O'Malley pupils were pleased with the additional allocation for this purpose from Johnson-O'Malley funds. In no school was there a feeling that the allocation of funds was not equitable.

These same people were questioned about the equality of educational services from the instructional specialists apart from Johnson-O'Malley or Title I services, and the reply was the same. Schools in the "county" felt that the services were adequate. They were also asked whether, in their opinion, preference was given to schools in the "city of Gallup" in the quality of teachers, whether principals out in the county were given an opportunity to recruit, select or reject teachers paid for from general operation funds. Their reply was favorable. Some said they would compare their faculty with anybody in the Gallup-McKinley School District or anywhere in the state or any other state. They confirmed the statement by the business manager of the school district that there were rural increments for teachers from $80.00 to $250.00 depending on distance, isolation, etc. While not amounting to much in terms of money, it was an assistance in recruiting and keeping good teachers. The rental schedule for teacherages was another fringe benefit for teachers out in the county. One principal said that there was a little higher turnover in the county because teachers who live in the city own their homes and have a higher stake in accumulating seniority which resulted in seemingly higher salaries being paid in the city.

The conclusion is that there is not a "vast difference" as stated in "An Even Chance" and, in fact, there is equality with the schools with predominantly Indian pupils getting the edge.

Page 7, paragraphs 3,4,5 & 6

The report compares Indian Hills Elementary School, adequately described except for the presence of closed circuit T.V., with Church Rock Elementary School. This is an unfair comparison because Church Rock was built about the same time as Jefferson Elementary in town. Indian Hills should be compared with schools such as Towa Yallane at Zuni and Navajo Elementary at Navajo where the comparison is favorable. The carpet in the library was obtained because the principal and teachers voted to do without certain things such as new teachers' and pupils' desks in order to save $4,000 for the indoor-outdoor rug in the library. This resulted in the reduction of noise, thereby raising instructional efficiency. It must be kept in mind that construction designs, use of materials, instructional styles do change, and the latter schools are much newer and compare as to size and cost of construction.

In comparing the buildings, Jefferson and Church Rock, it was found they are similar in structure and have the same type multi-purpose room which is used as a cafeteria. The one at Church

Rock needs fixing at one end to improve the looks of a balcony-type storage space, and the one at Jefferson needs to be plastered to cover cracks in the wall through which one can see daylight. The school in town has an advantage of a bigger entrance lobby and two restrooms in each primary room, compared to one for each primary room at Church Rock. Church Rock has kindergarten classes, Jefferson does not. The administrative area at Jefferson is more attractive, including drapes furnished by the PTA. It is felt that this is a result of a difference in esthetic tastes of the administrator. The grounds at Church Rock could stand improvement, especially in extended sidewalks where students disembark from the buses. It is generally agreed that improvements of this nature depend on the principal and not where the building is located, whether in town or in the county. This was repeated many times during the interviews.

While the school grounds at Jefferson are generally in better shape, improvement is needed to eliminate much of the mud on the back of the building.

Comparing Indian Hills with Towa Yallane Elementary at Zuni Pueblo, it is found that the first phase of Indian Hills Elementary was built for 300 capacity at a cost of $355,303. Towa Yallane cost $709,843 for same capacity plus 12 teacherages. An average teacherage costs $35,000, leaving $389,843 for the school facilities. Navajo Elementary, built by bond money also has a capacity of 300 and cost $362,534. It also has circular buildings and a carpeted library.

The Thoreau Elementary and High School do not need lengthy explanation. Interviews with the Elementary and High School principals revealed that the Navajo people are perfectly aware that P.L. 815 funds have not been appropriated for some time and that the administration has filed application for additions which, if funded, would make these schools the best equipped in the district.

Page 8, paragraphs 1 & 2: Overcrowding and Inferior Facilities at Thoreau

The principal at Thoreau High School feels that the Navajo people are very much aware of the failure of P.L. 815 funds to materialize and do not blame the local school officials for the overcrowded conditions. He, as well as other principals in the county, remember when all the new buildings were in rural areas and the schools in the city were in deplorable condition. They do not resent the use of federal funds to build Gallup High School since it was serving the secondary needs of Thoreau, Crownpoint and Tohatchi. They also are very much aware of the fact that when secondary facilities were built at these three

places, the scope of the projects was reduced by HEW because they did not accept the estimates of the LEA. The result was that the facilities were crowded the minute the doors were opened, with Thoreau being the worst off. Gallup High serves Spanish-American, Indian and Anglo students.

Page 8, paragraph 3: Pertaining to Inferior and Sub-standard Education

The report claims that the presence of P.L. 874 funds, which amounted to much more per pupil than local taxes, makes the "inferior and substandard" education more galling. Parents and teachers in the Crownpoint area were interviewed. All but one felt that this was not true. They are satisfied with the educational offerings and with public schools. The one exception was a non-Indian woman who taught school at one time in Gallup and has a sister who still teaches in Gallup. She said she thought there was a little preference in the city compared to the rural area schools, but she could not give a specific example. The allocation for supplies and equipment and educational services, including the caliber of teachers, confirms that education for Indians is on a par with non-Indians. Conclusion: This paragraph makes an allegation but does not give a concrete example. If the report is referring to the overcrowded conditions, the fault is not with the local school administration in the eyes of the Navajo people who do not hesitate to ask about P.L. 874 and P.L. 815 matters.

Page 8, paragraphs 4 & 5: Use of P.L. 874 or Federal Impact Funds

The position taken by the Office of Education as to how Impact Aid is administered as mentioned in the report is correct.

The U.S. Office of Education does not decide where or how the applicant school district will spend the funds, nor does it indicate that an applicant must use its grant to construct high schools rather than elementary grade facilities. The funds are to be expended according to the laws of each state, therein leaving any misuse a matter of state responsibility.

Page 10, paragraph 1: Use of Impact Aid P.L. 874 and P.L. 815

The general statement is made here that there is a discriminating allocation of educational services, meaning that Impact Aid funds do little to improve the educational opportunities of Indian children. There was no evidence found to indicate that there is discrimination in allocation of funds or educational services paid for from operational funds in the Gallup-McKinley County School District. The construction of facilities has been a frustrating experience equally for the school administration, the principal, teachers, children and parents who have to

live with the crowded conditions in schools where P.L. 815 funds are expected to materialize. The district has been bonded to capacity for the past ten years but has used the proceeds to construct facilities in the city with the exception of Navajo Elementary School. It is felt the local school board should explain the decisions in this matter. One question asked in Thoreau by teachers is why bond money wasn't used there when ad valorem taxes are paid by corporations in that part of the county.

Page 48, paragraph last: School Bond Elections and Discrimination

Reference to a New Mexico law on voting in bond elections is no longer a viable question because Chapter 6 (HB 38) of the 29th Legislature, Second Session, changed the situation. Now non-property owners can vote in school bond elections if they are qualified electors.

Page 50, paragraphs 1 & 2

Regarding the parents from Crownpoint attending a Gallup School Board meeting, some Navajo parents interviewed said it was Anglo parents who attended the meeting, not Navajos.

Regarding statements made of PTA and the all-white PTA executive board. The elementary principal said it was true. He said the president of the PTA at that time was a local medical doctor very well liked in the community, and that no attempt has ever been made to keep Indians out of such organizations. Attendance of Indian parents is poor because of distance and the fact that meetings are held at night. This year a Laguna Indian married to a Navajo is president of PTA at Crownpoint. This is a "combined" group for both elementary and secondary schools. Two Navajo teachers were asked to serve as officers but declined. One Navajo parent said she attended regularly. She said it is the fault of Indian parents who don't attend these meetings that more participation is not possible, although she does not feel that Indian parents are prevented from expressing themselves. Plans are being made to ask for a special bus to bring Indian parents to PTA meetings.

In the schools visited, there were Indians in the majority in jobs such as bus drivers, cooks, secretaries. There is a concerted effort to get all the qualified teachers of Indian descent that they can find, but they are not plentiful.

Page 52, paragraph 2

I found no evidence of hostility towards parents' participation on the part of school officials either at the central office or in the rural areas. They are asking for and very

much want a bus, as referred to before, to bring parents to school meetings. School officials in Gallup deny saying that "parent participation is a bunch of baloney."

Page 53, paragraph 7

In reference to Impact Aid, Navajos are very much aware of this federal aid. They do ask questions and are given answers by the school officials. The parents at Thoreau and Crownpoint for the most part are well aware of the lack of P.L. 815 funds and that they have not been provided by the federal government.

Page 62: Recommendations, State Department of Education

Recommendation No. 3 - Monitor and audit local school systems to insure that funds designed for Indians actually are used to teach them. It seems that some improvement could be made in this area, although audits cannot reveal discrepancies such as the report alleges since the designation of the funds is a matter of their interpretation rather than a matter of law, such as Impact Aid funds.

Recommendation No. 4 - Establish an all Indian task force of members elected by each tribe to advise on state policy toward Indian education. This warrants serious consideration and will be covered in part by the general recommendations to follow.

Page 62: Recommendations, U.S. Office of Education

Recommendation No. 3 - Equal distribution of Impact Aid funds to Indian children. The Division of School Assistance in Federally Affected Areas cannot establish procedures as requested unless the P.L. 874 law is amended to make aid to Indians categorical. (The reference is to Impact Aid funds and their distribution so it does not refer to P.L. 815 which is categorical in that it is for construction of an approved project)

Recommendation No. 4 - Review all U.S. Office of Education grant programs to find more resources to improve public education for Indian children. This warrants consideration. The New Mexico Department of Education and New Mexico State Board of Education would welcome the opportunity to be part of such a study.

Page 63: Recommendations for Congress

Recommendation No. 1 - Fully fund those Impact Aid districts where Indian children are enrolled. Agreed. This is almost accomplished in that schools with high impact of 3(a) pupils, in which category a majority of Indian pupils belong, receive 100 per cent entitlement.

Recommendation No. 2 - Fully agree with first part of recommendation, second part is not necessary since P.L. 815 funds can be retroactive in that funds are appropriated for needed facilities under Section 14. If they mean "reimburse" for funds denied in past years but not now needed, I don't believe it would be legally possible.

Recommendation No. 3 - This sounds like an exclusive Indian "civil rights act". Again the Impact Aid law would have to be amended to permit the Office of Education to take this action. I believe that good accounting practices through state laws would show whether or not a local district was being unfair in distribution of general operation funds into which pot Impact Aid money is put.

Pupil Transportation

Several comments were made in the report "An Even Chance" concerning discrimination against Indians in school bus transportation. In order to clarify the matter and set the record straight, Bill Lemon, the director of school bus transportation of the New Mexico State Department of Education, presented the following report:

> On page 18 of the publication, "An Even Chance" it is alleged that "In Crownpoint, New Mexico, Navajo children did not get home until dark in winter months. The school bus delivered white children to their homes in town before making the trip to Indian homes."
>
> This could only have happened prior to the time the Crownpoint High School was in operation. Until then, the nearest and only high school available in the county was the Gallup High School, a distance of 56 miles from Crownpoint. It is obvious that it would be late when pupils reached home.
>
> At present, transportation is provided to the Crownpoint School as in other schools.

No. of Pupils Transported

Elem.	Sr. High	Total	Bus Capacity	Miles One Way
12	49	61	60	17½
21	11	32	60	28
51	16	67	60	25
16	24	40	60	30
35	21	56	60	20
39	16	55	60	19½
34	19	53	60	25
30	7	37	48	38½
28	29	57	48	29½
35	11	46	48	29½
38	15	53	60	35
36	20	56	66	35
375	238	613	690	332½

12 Buses Aver. 27.7

A total of 60 per cent of the pupils at the Crownpoint schools are bused.

On page 55, the report indicates that with the closing of the Ramah High School, transportation was reduced or curtailed. There was no reduction in transportation. The only change was extending buses to Zuni High School. Apparently a number of those who had formerly ridden the buses did not continue to do so. Parents of pupils who lived in remote areas were offered the same per capita reimbursement as all other parents similarly situated in the state - to transport their children to a point where they could board a school bus. There are, at present, 410 such arrangements in the state of New Mexico.

Johnson-O'Malley Funds

The report "An Even Chance" seemed to be aimed particularly at deficiencies and problems revolving around the Johnson-O'Malley program for Indian children and Title I of the Elementary Secondary Education Act which is essentially a program to supplement educational opportunities for disadvantaged children identified to be in the low socio-economic group. Title I programs are not

exclusively for Indian children, but many Indian children are included and do receive the benefits of the programs.

Because the Indian education programs in the public schools seem to be the focus of concern of the "An Even Chance" report, three documents in response to the accusations contained in the report are included here. These reports were prepared by the Division of Indian Education of the New Mexico State Department of Education which is responsible for the administration of Johnson-O'Malley Funds, in conjunction with the area offices of the Bureau of Indian Affairs.

The first report concerns the plan of operation of the Division of Indian Education as it refers to the operation of adopted Johnson-O'Malley state plan.

State Plan

Staff members of the Indian Education Division, as well as Bureau of Indian Affairs staff members, make visits to each of the 20 districts at least two times each year. The usual procedure for these visits is to meet with the local superintendent to review the current budget and programs, and to discuss methods for improvement of programs, and then go into the school buildings for an on-the-site review of each program sponsored by Johnson-O'Malley.

All districts, with the exception of Central Consolidated and Truth or Consequences, have been visited at least twice this year and some of them more than twice. This assures both agencies that funds are being spent for their intended purpose, and that the educational needs of the Indian students are being met to the best ability of the local district.

It is policy to involve the Indian people living within the local school districts in planning programs and budgets. A copy of a memorandum to local superintendents in regard to this follows in this report.

Also, in order to secure more Indian involvement and participation in school affairs, the Division of Indian Education has sponsored Indian Parent-School Personnel orientation

programs in four districts this year. At Jemez Springs, on August 28, 1970, a total of 125 Indian parents met with the school staff and with representatives of this division for a full day orientation program. At Laguna-Acoma school in the Grants district, on September 12, 1970, a total of 155 parents of Indian students met with school personnel and personnel from this division for orientation. Information relative to these programs follows in this report. Present plans are to conduct such meetings with parents and teachers in the Cuba and Gallup districts during this school year.

Each school district is required to present this division with an itemized budget and a justification narrative two years in advance. Copies of these budgets and narratives are presented to the Bureau of Indian Affairs for review and approval.

It is the opinion of the staff of this division that the NAACP report "An Even Chance" is erroneous in many aspects and that the NAACP interviewers contacted a few disgruntled teachers and parents who were eager to make derogatory remarks about their local districts. These people may not necessarily have been speaking for the majority of the parents in this school district.

It is agreed that there is room for improvement in each of the Johnson-O'Malley districts, as there probably is in all schools, but the division is convinced that the local school officials are attempting to do all that they can at present to provide the best possible education for each of their students.

Under the present State Plan, which was designed by the Indian leaders and approved by all affected agencies on October 6, 1970, there is no longer any restriction as to parental employment. Eligibility is based upon need.

The accountability of Johnson-O'Malley funds is presently under study by the Indian Education Division, the Fiscal Division of the Department of Education, and Public School Finance Division in an attempt to determine a method which will provide greater accountability, and also be in agreement with policies, regulations and requirements of this division, administrative services of the Department of Education and state laws.

Beginning this year, after conferring with the Chief of Public School Finance, an addition was made to each of the Johnson-O'Malley school budgets which provides the line item "parental costs." Heretofore, that particular item was estimated, and

reimbursements were made to the school districts upon receipt of invoices for the particular item for which reimbursement was requested. The invoice has always been and is still required. Also required is a statement showing to whom the parental cost item was issued, the grade of the student, the item description and unit cost.

At the suggestion of the Chief of the Branch of Public School Relations, BIA, pre-first classes were cut from the budget as it was felt that this did, in fact, provide double payment for the six-year old student. Also, at this time, the heavy emphasis on Head Start funding and JOM kindergartens has reduced the need for the pre-first programs which, up to that time, had met this existing special need. Presently, with a very few exceptions (where there still are JOM Pre-first programs) the need of the Indian child is being met through Head Start and kindergarten programs funded either by Title I, Johnson-O'Malley or BIA.

MEMORANDUM

To: Superintendents of Johnson-O'Malley Districts

From: Willard A. Scott, Director, Division of Indian Education State Department of Education

Subject: Schedule for 1972-73 Johnson-O'Malley budget preparation

A representative from this office will be visiting with you to assist in preparing the Johnson-O'Malley budget for your school district for the 1972-73 school year. Finalized budget requests and narratives will be due in this office, in triplicate, not later than 26 February 1971.

We would appreciate your contacting the Indian people in your District and inviting them to have representatives at this meeting.

If the scheduled date shown below conflicts with your plans, please let us know as soon as possible.

Taos	January 7, 1971	10:00 a.m.
Penasco	" 7	2:00 p.m.
Pojoaque	" 8	10:00 a.m.
Espanola	" 8	2:00 p.m.
Los Lunas	" 11	2:00 p.m.
Magdalena	" 14	2:00 p.m.

Bloomfield	January	18, 1971	2:00 p.m.
Farmington	"	19	10:00 a.m.
Central Consolidated	"	19	1:30 p.m.
Dulce	"	20	1:00 p.m.
Jemez Mountain	"	22	10:00 a.m.
Cuba	"	22	2:00 p.m.
Tularosa	"	26	10:00 a.m.
Ruidoso	"	27	10:00 a.m.
Bernalillo	"	28	10:00 a.m.
Albuquerque	"	29	10:00 a.m.
Grants	February	2	10:00 a.m.
Gallup	"	3	10:00 a.m.
Jemez Springs	"	4	10:00 a.m.

cc New Mexico Indian Pueblo and Tribal Leaders

Program and Budget Procedures

This next document explains the program and budget preparation procedures which are required of every school system in New Mexico that is eligible for Johnson-O'Malley funds. The specificity required by this joint report points up the fact that Johnson-O'Malley funds are utilized to meet special needs of Indian children. One of the general implications of "An Even Chance" being that Johnson-O'Malley monies are not carefully accounted for.

JOINT REPORT

Bureau of Indian Affairs - Division of Indian Education

The Johnson-O'Malley budgets are instruments through which the Tribal leaders and/or their authorized representatives of the local school community determine their JOM programs and the amount of revenue needed in support of them.

The budgetary process for the twenty JOM public school districts in New Mexico involves tribal leaders, parents, local and state school officials and the BIA office in studying educational needs and the budgeting of funds for parental costs, special programs, kindergartens, inservice training and special projects.

Such factors as the following are typically considered in JOM budget planning:

1. Needs of specific instructional areas, including:

   a. special subjects and teachers
   b. provisions for exceptional children
   c. guidance and counseling services
   d. cultural recognition programs
   e. health services
   f. kindergartens
   g. special transportation (for extra curricular participants)
   h. summer school programs
   i. inservice programs
   j. special projects

2. Needs of specific parental cost items include:

   a. school lunches
   b. course fees (Home Ec., Shop, Science)
   c. activities admissions (tickets for football and basketball games, movies, assemblies, etc.)
   d. P.E. equipment (Gym shoes, gym suits, baseball and track shoes, towels, socks etc.)
   e. other parental cost items (cap and gown rental, conference attendance expense, test fees, etc.)

Once the needs have been determined through mutual consent, estimates of costs are prepared. Alternate budget costs are considered and priorities established.

The form of the budget is in accordance with New Mexico Public School Finance requirements for district accounting procedures and practices and for BIA monitoring. The JOM budgetary process is a continuous operation, and a continuous log is kept from the adoption of one JOM budget to the preparation of the next.

The Division of Indian Education also requires each JOM school district to submit, along with their formal budget, carefully annotated or supplemental descriptive data which interpret the purpose of the various budget items so that these budgets may be carefully monitored, analyzed and considered by Tribal and Pueblo leaders or their duly authorized representatives.

Once the JOM state budget has been approved by the Bureau of Indian Affairs and the Division of Indian Education, it is put into operation by the school districts in implementing the educational programs as planned and in accordance with the State Plan. (Copy of State Plan follows this joint report).

All budgeted JOM funds are made a part of the total school budget and flow through the office of the Chief of Public School Finance as required by state law.

The education plan by the districts calls for the organization and development of programs, recruitment, selection and assignment of staff personnel, purchase of supplies, materials and equipment, keeping financial accounting records with respect to budget items, receipts and expenditures in accordance with the approved JOM budget.

Periodic and annual visits have been made jointly by Tribal and Pueblo leaders, state and BIA officials to monitor JOM funds and review JOM programs.

Educators in the JOM school districts are continuously seeking better ways to fulfill their responsibilities. All educators confront problems involving teaching and learning. They assume responsibilities for the welfare of all the pupils and show sympathetic understanding of Indian pupil problems.

Statement of Navajo Area Officials and the Director of Indian Education

Following are comments pertaining to "An Even Chance" prepared by the Navajo area officials and the New Mexico Department of Education Director of Indian Education. These comments address themselves to some of the specific allegations by page as well as responding to the general implications of the report.

> A state plan is mutually developed by tribal leaders and state officials working with representatives of the Bureau of Indian Affairs. The present New Mexico State Plan was developed from January to July 1969. During this period, there were two meetings of representatives of all New Mexico tribal groups with state and Bureau officials and one meeting attended only by tribal leaders. In July, the plan was given final approval by all parties involved.
>
> Once the plan was approved, it became the guideline for all Johnson-O'Malley operation in the state. Districts develop projects on a priority basis in accordance with the plan and submit budgets to implement them. Within the limitations of funds available the projects are funded on a priority basis. This is done by the state office with the cooperation of Bureau representatives. At the schools, the budgets are discussed in open meetings which parents and tribal leaders

are asked to attend. Bureau representatives also attend. To illustrate, at the 1969 Budget hearing for Gallup-McKinley County Schools, representatives from each of the involved tribal groups and Bureau representatives were present.

Once the projects are approved and funded, periodic visits are made by the state director or his representative. At the same time, federal officials make less frequent visits to school districts. Sometimes visitations are accomplished by state and federal representatives traveling together.

On page 62 of the publication, "An Even Chance", there is a listing of items which concern the "Accountability of Federal and State Agencies." With the exception of item 3, the points made have been among the long standing goals of Indian education, both from the standpoint of the state and Bureau of Indian Affairs. It appears that item 3, which would "require that local administrations discriminate in favor of Indian," misses the whole point. It is not a question of discrimination but, rather, a matter of educating children with different backgrounds.

On page 16, reference is made to the Peripheral Dormitory program. The report cites the public school at Snowflake, Arizona, as receiving full cost for educating students who live in the Bureau of Indian Affairs Dormitory, at the same time as receiving state aid for each Indian student. This is not correct. In Arizona, Bureau of Indian Affairs Dormitory students are not counted for state aid.

However, the opposite is true in New Mexico. State aid is being received. The Navajo Area office is, and has been, in the process of negotiating with affected school districts on this. The original agreements were for 20 years and new agreements, if any, will have to be made in 1974.

Overall recommendations as we perceive them - BIA - State - Local Major Finding (Page 42) Recommendation for BIA (Page 63) recommends that Johnson-O'Malley funds be spent only on programs especially for Indians.

1. (a) Not applicable in New Mexico. Johnson-O'Malley funds are presently spent only for Indians. Recommends that funds be contracted directly to Indians for special groups.

   (b) The option for this now exists and there has been some evidence of interest on the part of a few tribal groups.

2. Competent administration and management are unchanging goals of the JOM program. There have been recent

developments which should improve reporting of project development in terms of projects being discussed in greater detail. Also an improved system of monitoring and auditing has been developed which should result in greater state and federal attention to these matters.

3. The advisability of centralizing authority for JOM in the central office, Education Division of the BIA, is questioned. First, on the basis of proximity to tribal leaders and field operations, it does not appear advisable. Second, state officials also appear to favor the present decentralization.

4. In New Mexico there is a majority of Indian members on a number of school boards. We feel that this represents significant progress during the past few years, because this is where Indian involvement counts the most. At the same time, efforts are underway in most districts to get increased involvement of parent organizations in day-to-day school activities. The great distances involved and lack of adequate transportation makes such involvement difficult. Hopefully, projects to eliminate this difficulty can be funded in future years.

5. In New Mexico, "open houses" have been held near the beginning of the school year to discuss JOM and other federal programs. Five dinner meetings were sponsored jointly by the Division of Indian Education, the State Department and the local school district for the same purpose.

The State Department of Education and New Mexico State University had a workshop for 20 school counselors from each of the school districts serving Indian students. A tour was made of all the Indian districts and meetings held with parents, tribal officials, students and other interested people. During these meetings, an attempt was made to answer questions and inform parents of resources available. Greater attention is planned toward this type of activity in the future.

Page 42 - Findings. It is curious to note the lack of agreement between the publication, "An Even Chance" and the "National Study of Indian Education" which was directed by Robert W. Havighurst of the University of Chicago. Probably this study is the most comprehensive look ever taken at the education of Indian Americans. The study was scientifically based and carefully conducted.

To illustrate, Havighurst found that the majority of parents and students interviewed have some criticism or suggestions but only 10 to 20 per cent indicated general and serious dissatisfaction with the schools.

Even with this, there appears to be no doubt that present emphasis on parental involvement should be continued and strengthened. At the same time there should be continued emphasis on explaining federal programs available.

From all of this, it is vital that parental suggestions for improvement of the school program be obtained. This appears to be especially important and is borne out by the Havighurst finding that the school achievement of every child is dependent upon the combination of influences of the school, the family and the local community. Havighurst notes that when one of these falls short, the other two are seldom able to make up for it.

The New Mexico State Plan for the administration and programming of Johnson-O'Malley funds is entered into the report here in its entirety to emphasize the point that there is considerable in-depth planning for the programming of special educational needs of Indian children and also to show that there is sufficient documentation required both in the program audit and the fiscal audit areas for education of Indian children in the public schools of New Mexico.

NEW MEXICO STATE PLAN

FOR THE ADMINISTRATION AND PROGRAMMING OF JOHNSON-O'MALLEY FUNDS

I. PURPOSE

This plan is a guide for the administration and programming of Johnson-O'Malley contract funds received by the State of New Mexico through annual contracts with the Bureau of Indian Affairs, to supplement the public schools in the education of Indian children. This program of funds will be in accordance with the contract signed by the Bureau of Indian Affairs.

II. AUTHORITY

Johnson-O'Malley Act: (16 April 1934, C. 147, #1, 48 Stat. 596 as amended 4 June 1936, C. 490, 49 Stat. 1458).

III. POLICY

This program of federal aid to certain school districts in the state of New Mexico is based upon:

1. Operating criteria outlined in Volume 6, Part 2, Chapter 3, Bureau of Indian Affairs Manual.

2. State laws governing school operations in the State of New Mexico.

3. The extent to which P.L. 81-874, P.L. 89-10, and other fiscal aid is fully considered in justifying supplemental Johnson-O'Malley funds under the State Plan. This concept is carried out by the State of New Mexico in programming Johnson-O'Malley supplemental funds to the school districts.

4. Indian children are entitled to the same free public education as other citizens of the state (Section 1, Article XII, Constitution of the State of New Mexico), but to assist the state in making public education available to its Indian citizens, the BIA makes funds available to districts enrolling Indian children based on the following criteria and subject to appropriated funds for this purpose.

Criterion 1 - Method and Extent of Johnson-O'Malley Payments:

The funds provided by the Bureau of Indian Affairs to the State of New Mexico under annual contracts shall be based on financial needs of the eligible school districts after all local, state, and federal sources, including Public Laws 81-874 and 89-10 are considered by the respective school districts in justifying supplemental funds under the Plan. Payment to the eligible school districts is always determined by the amounts of money appropriated by Congress each year. Each school district is responsible for submitting a budget estimate two years in advance, using established guidelines and review of on-going programs and consultation with and approval of the tribal governing bodies (and the concurrence of the State Director of Indian Education).

Criterion 2 - Eligibility

A. School District

A school district is eligible to apply for assistance under this program if the following conditions are met:

1. Non-taxable Indian-owned and/or tribal-owned land is at present within the boundaries of the school district.

2. The number of eligible Indian students in attendance creates an unusual financial burden on the school district (or in cases where Indian children cannot finance their education). The school district having 10 eligible Indian students or three per cent of the district's total enrollment.

3. Educational opportunities and programs are provided Indian students on the same basis as for other students in the school.

4. The local school district recognizes and makes provisions for the special needs of all eligible Indian students.

5. School taxes are levied at a rate not less than the average for all similar type school districts in the state, etc.

6. Tax-exempt, Indian-owned, and/or tribal-owned land within the district is creating financial burden that justifies assistance under the approved State Plan.

7. School boards will consult with Indian tribal representatives.

8. Other factors in justifying need and computing amounts of aid are:

   a. The extent to which education is financed from property taxes

   b. The amount of taxable evaluation behind each child.

   c. Ratio of eligible Indian children to other children.

   d. Ratio of tax-free, Indian-owned, and/or tribal-owned land to taxable land in the district.

   e. Unique program needs of Indian children.

   f. Immediate program objectives as pertains to the education of eligible Indian children in the district.

B. <u>Students</u>

Students eligible for consideration shall include only those who:

a. Can furnish evidence that they are one-fourth (1/4) or more degree Indian blood, recognized as members of Indian tribes or Indian pueblos of New Mexico.

b. Have parents that reside on or near Indian reservations or Indian pueblos under the jurisdiction of the Bureau of Indian Affairs for the area.

c. Show a need for services and programs assisted with Johnson-O'Malley funds.

Criterion 3 - Lunches and Milk

Johnson-O'Malley funds will provide reimbursement to the school district for the share of the cost of free or reduced-price lunches and milk served eligible Indian children for which the district is not reimbursed from other sources. Johnson-O'Malley funds will be provided for free or reduced-price lunches to all eligible students as determined by the school districts and the tribal governing bodies. Each school district receiving Johnson-O'Malley funds for lunches and milk shall file a complete statement with the state director of Indian Education showing the basis upon which determination is made that eligible children are unable to pay for lunches and milk received.

Criterion 4 - Special Services

Payments may be made to school districts for special services such as counseling, special language instruction, developmental and remedial reading, and other special school programs which the school district may undertake to meet the needs of the Indian students. Johnson-O'Malley funds may be used for a share of those costs based on the number of eligible Indian students who are receiving the services and the availability of other funds which can be applied. Requests for such funds must be supported by financial and narrative justifications.

Criterion 5 - Records and Reports

The Division of Indian Education shall prepare annual reports which consist of a statistical and narrative section. The statistical portion of the report shall cover an analysis of funds expended by each district and a summary of school enrollment (both Johnson-O'Malley and non-Indian) by grade levels, showing Indian transfers and dropouts, as well as number of eighth and twelfth grade dropouts, respectively. Budget requests are due on or before March 15 of the previous year, and annual reports are due on or before October 15 each year. Copies of the annual report, budget, statistical, and narrative sections shall be distributed to all school districts and tribal governing bodies receiving Johnson-O'Malley funds.

Criterion 6 - Budget and Contract Procedures

After consultation with governing tribal bodies, the Division of Indian Education, New Mexico Department of Education, will submit an annual estimated budget prepared showing the needs and justification for funds for each school district and the

state administrative costs. Periodic and annual visits to participating schools will be made by state, tribal, and Bureau officials. These visits will be made to review school programs and the operating budget. Based on these reviews and visitations to the schools, a state Johnson-O'Malley contract will be negotiated between the Bureau of Indian Affairs, the state, and local governing bodies (tribal) to provide the needed financial support within the limits of funds available to the Bureau.

Criterion 7 - Special Conditions

a. Unused Funds

Any unused funds received by the state through any annual contract shall be carried over as a budget balance on to the next contract period, after review and approval by the tribal governing bodies.

b. Changes and/or Amendments in the State Plan

This plan may be changed or amended by mutual consent of all agencies as needed in the event changes in federal or state laws affecting financial aid to school districts indicate a need for modification of the Plan.

APPENDIX

JOHNSON-O'MALLEY ACT

CONTRACTS FOR EDUCATION, MEDICAL ATTENTION, RELIEF AND SOCIAL WELFARE OF INDIANS

The Secretary of the Interior is authorized, in his discretion, to enter into a contract or contracts with any State or Territory or political subdivision thereof, or with any state university, college or school, or with any appropriate state or private corporation, agency or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress of Indians in such State or Territory through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress of Indians in such State or Territory.

(16 April 1934, C. 146, #1, 48 Stat. 596 as amended 4 June 1936, C. 490, 49 Stat. 1458).

Title I

A general implication running throughout the "An Even Chance" report seemed to be that the Title I Elementary Secondary Education funds were being misused and that the Indian students were deriving little or no benefit from the programs of Compensatory Education or Education for Migrants.

The response of the Title I E.S.E.A. team which visited the Gallup-McKinley County schools in February of 1971, to check on the specific allegations is as follows:

RESPONSE TO "AN EVEN CHANCE"

GALLUP-McKINLEY PUBLIC SCHOOLS TITLE I, ESEA

State Department of Education Title I Visitation Team and Schedule:

Joe Reeder, Title I Auditor, on February 15-16, 1971, examined in the Gallup School's Central office the equipment, inventory, payroll records compared to authorized personnel in the approved project, certification of teacher aides, media center procedures and distribution records, vouchers for 1970-71 in preparation of profile sheets for each school unit for use in the on-site visitations by Joe Reeder, Bill Caperton and Donald Harvey on February 17, 18 and 19, 1971. All school units were visited except the Ambrosia Lake Elementary School.

SIGNIFICANT POINTS IN "AN EVEN CHANCE"

Page 1, paragraph 6 - This refers to concentrated supplemental expenditures of Title I money on Indian children.

In the Gallup 1969-70 Title I project, $597,851 for 2,629 participants gives $227.40 per participant. In the project for 1970-71, $681,197 for 2,782 participants will result in an expenditure of $244.86 per participant.

Programs are supplementary and are as follows:

Instructional Activities:

a. Kindergartens in 13 eligible schools with 19 teachers,

23 aides (four aides supplement Johnson-O'Malley kindergarten program).

b. English as a Second Language program for lower elementary has a teacher in each of Church Rock, Crownpoint, Tohatchi, and Thoreau Elementary schools. These are Title I eligible schools with a very high percentage of Indian students enrolled.

c. English-Reading has four teachers serving grades seven and eight in Zuni, Crownpoint, Tohatchi and Thoreau secondary schools - high percent Indian students on or near reservations. A reading clinician provides diagnostic and prescriptive services to Title I eligible schools including non-public schools.

d. One elementary program specialist for language development including kindergarten.

Supportive services are snacks for kindergarten and supplementation of School Lunch Division's breakfast programs in 11 eligible Title I schools, two nurses and support services in health, transportation for kindergarten, attendance for kindergarten, media center and program administration.

Page 7, paragraph 3 - It is stated "...Indian children are not receiving an equal share of anything."

The ratio of Title I participants in the 1970-71 project by ethnic composition compared to the ethnic enrollment reveals that 33.6 per cent of Indian students, 9.5 per cent of black students, 7.3 per cent of Spanish students, and 4.7 per cent of all others participate in Title I projects.

Per cent of School Enrollment by Ethnic Breakdown		Per cent of Title I Participants by Ethnic Breakdown	
Spanish Surname	23	Spanish Surname	7.5
Indian	58	Indian	88.0
Black	1	Black	.5
Other	18	Other	4.0

By the very nature of the school district and school population and the location of Title I kindergartens, reading and language programs, Indian children are receiving Title I supplemental programs exceeding the participation of other ethnic groups.

Page 7, paragraph 5 - This indicates that Indian Hills Elementary, a non-eligible school, has Title I equipment being used in the school. This statement is true. Indian Hills Elementary School previously was an eligible school. Equipment placed in that school was for language development through remedial reading. The program is no longer under Title I. About one-third of the enrollment now in Indian Hills Elementary is Indian - 108 Indian of 308 total.

ESEA Title I Program Guide #24 (Edition of 5/68), on page 11 of Section 5, indicates: "Title I equipment may be used in schools that are or were eligible for Title I projects provided it is used for the same purposes for which it was originally approved. The local educational agency could, therefore, use its own funds to continue a previously approved Title I activity and to use Title I equipment for that purpose. First priority, of course, should be given to the utilization of Title I equipment in the currently eligible project areas." Equipment not being used for a continuation of the originally approved project in currently ineligible or non-participating schools must be removed and placed in current Title I projects. This statement applies to any Title I equipment now in ineligible or non-participating school units.

Page 8, paragraphs 3 and 4 - This statement relates to Federal Money Supplements. (See Item I above)

Page 25, paragraph 6 - This states that "In Gallup-McKinley County, N.M., for example, the JOM (Johnson-O'Malley) budget for 1969-70 provided for four school nurses and the Title I application provided for seven. Instead of 11 school nurses, our interviewer found only seven listed in the school directory, four paid by JOM and two paid by Title I. A head nurse was assigned to Central Office."

In 1969-70 Title I approved project, on page 62, indicates two full-time registered nurses funded by Title I ESEA. Title I line item budget indicates two registered nurses. The project did not specify the assignment of the two nurses.

The head nurse is paid from state and local funds, serving all schools. She reported that most of her time is spent with Title I health problems, Title I health education, and referrals of children from low-income families.

Title I is extending health services provided by local and state funding. The question of Title I providing nurse services to meet State Standards for accreditation must be examined.

Page 30, paragraph 3 - This states "Nearly all the school districts surveyed hired teacher aides from Title I funds, and in nearly every district they performed non-instructional tasks which benefited the entire school population."

Title I instructional aides in the Gallup-McKinley School District for 1970-71 are limited to the Title I kindergarten projects. The aides are assigned to a specific teacher and received a one-week training session with their assigned teacher.

Page 33, paragraph 6 - This states "In the Gallup-McKinley Public School District, in Gallup, N.M., an entire audiovisual media center is equipped and operated with Title I funds. The interviewer reported that materials from this center are made available to all schools in the district on a free-loan basis."

The audiovisual media center was established with Title I and Title I Migrant money to provide supplemental services to Title I and Migrant participants. The media center justification was to provide vicarious experiences for Spanish and Indian participants. Interviews in all Title I eligible schools indicate that these experiences have increased greatly following the implementation of the media center. Positive responses were also received from eligible non-public schools.

Local and state funding provide space, distribution service, clerical help and some A-V materials. Each film returned must have an evaluation by the user to determine retention of the film in the media center as films are purchased on a one-year trial basis. The record of usage for the school year 1969-70 indicates 2,277 films were distributed to Title I eligible schools out of a total distribution of 2,867. Of the remaining 590 distributions, 165 were in two Title I ineligible schools with migrant children. (The identification of migrant students is not completed). The other ineligible schools have a minimum of 13 per cent Indian students enrolled.

The films are available to all schools in the district on a free-loan basis.

Page 33, paragraph 7 -(See statement above referring to concentrated supplemental expenditures)

The expenditure mentioned is not one-half of the local and state per pupil expenditure in Gallup. Next year's project must meet Criterion 4.7 of Guide 44.

Page 52, paragraphs 1 and 2 - "Parent participation is a bunch of baloney"

This quote was attributed to a staff member of the Gallup-McKinley County School system. The staff member in question denies that he made such a statement. The facts on parent participation are as follows:

The Gallup administrative staff made 21 presentations in nine eligible school area meetings and four Advisory Committee meetings for parents, including nine organized PTA groups, two chapter meetings and four parent meetings from April of 1970 to February 1971. The meetings involved discussions of history and purpose of Title I ESEA, eligible schools, and participation factors.

Documents from A.C. Woodburn, superintendent of the Gallup-McKinley County Public Schools, indicate an increased emphasis on representative involvement of school patrons district-wide for total school program. This will strengthen and support parental involvement in Title I decision making.

The OEO Parent Advisory Committee Chairman, Mrs. Helen Zultac, in Gallup, was involved in planning activities preparing for the 1969-70 project. (Our office does not have a list of the Committee Members). Mrs. Zultac also accompanied Mr. Ernest Becenti (a Navajo), Gallup Board member, to a Denver meeting on Title I ESEA in the fall of 1968.

Page 62, paragraph 4 - "Accountability of Federal and State Agencies"

Item 3 for Title I should be that local administrators discriminate in favor of educationally disadvantaged children, including Indian children, rather than discriminate in favor of Indians.

Item 4 - support innovative programs
Item 5 - recognizes unique needs of Indians
Item 6 - involve Indian communities. All of the three items mentioned above are valid points and certainly recommended by the State Department of Education for all schools where applicable.

Page 62, paragraph 6 - State Department of Education

Title I, by P.L. 91-230, must have comparable services from state-local funding to justify Title I supplementation.

We support the idea of courses in Indian culture, history and language as well as for other ethnic groups. We encourage imput from all ethnic groups to determine the best possible programs.

Page 63, paragraph 1 - Correlation of BIA and OE in programs for Indians is valid.

Conclusions and Observations: Title I

In conclusion, it was observed that the Gallup-McKinley School District is meeting the intent of Congress in their Title I program.

The central office's Title I transactions are properly documented. Title I equipment inventory is recorded on a master file and each piece is identified with a corresponding tag number. Every school principal is provided with a printout of equipment assigned to his unit. Tags on equipment satisfy federal audit requirements for inventory purposes. The Title I office requires that each piece of equipment be plainly marked "TITLE I" so that the Title I coordinator can be sure it is in a Title I program.

Equipment not in current or continuing Title I programs must be transferred to ongoing programs. Equipment in participating schools no longer being experimented with should be collected and traded in on more appropriate equipment or materials.

Continued usage of the Media Center to serve all school units will necessitate a proration of pertinent expenditures to preclude supplanting of local and state funding.

Continued involvement of Parental Advisory Councils in planning Title I projects is mandatory under P.L. 91-230.

Nursing services must be examined in light of meeting State Standards for accreditation.

School Food Services

The report "An Even Chance" made several references to the school food service program and the nutritional needs of Indian children (page 18). Gretchen Plagge, the state director of New Mexico Department of Education food services division reports the following findings on the investigation of conditions pertaining to the school lunch program and breakfast programs of the Gallup-McKinley County school systems:

> Eight schools were visited during the two and one-half day visitation in February 1971 to the Gallup-McKinley County School District. These schools included Church Rock Elementary, Jefferson Elementary School, Indian Hills Elementary School, Gallup High School, Crownpoint Elementary School and Thoreau High School.
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> Eligibility
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> All Indian children in the Gallup-McKinley County Schools receive benefits of Johnson-O'Malley funding for school lunch. This means that Johnson-O'Malley funds are providing 20 cents for every Indian child's lunch and are thereby classified as reduced price lunch. The National School Lunch Program provides a reimbursement of 25 cents; therefore, the Indian child is paying nothing for his lunch this year, although the school is receiving a total income of 45 cents for every lunch served. No applications were distributed to Indian children on the reservation for the current school year because it was determined that they would receive an automatic funding under the Johnson-O'Malley program. Applications for the National School Lunch Program free and reduced price policy must, by federal law, contain a question relating to the income of the family. When and if such applications are used, this information is requested in order that eligibility may be determined. Information must also be gathered as to the size of the family group as well as the number of children in service institutions and the day care centers. However, as stated, such applications were not distributed to the Gallup-McKinley County School children in schools where Indian enrollment was at or nearly 100 per cent because of the determination that all Indian children would receive the school lunch under the Johnson-O'Malley and school lunch funding arrangement.

Collection System

Tickets are sold on a weekly, monthly and daily basis. These tickets are then punched each day as the student goes through the line. The tickets are available at either a full price, a reduced price or are issued to those students receiving the meal at no charge. Only a coded letter in the ticket would indicate which category a student falls in. There has been some incident of sale of tickets by the students which has created a problem with regard to report of lost tickets. Reference made in the NAACP report (page 19) to students being refused lunches if they report a lost ticket could not be substantiated in any event. However, if a student has been observed to have sold his ticket at a reduced price to some other student, necessary disciplinary action has been taken. This discipline does not include being denied food.

In a discussion with Mr. Hendrickson, principal of the Gallup High School, an alternative plan of collection was discussed. Mr. Hendrickson has indicated he intends to implement this plan for the remainder of the school year. This plan will involve keeping all tickets on file and withdrawing them as the student goes through the line. The tickets will be punched at the end of the meal and returned to the file.

In all other schools visited, a check list system was used whereby all students eating in the lunchroom were listed on a check list and as they went through the line their names were checked off. Classification as to fully paid, reduced price or free was not indicated on the list and tabulation is made in the office by school personnel. At no point was it felt that any discrimination or identification of needy students was observed or expressed.

Participation

Out of a total enrollment of 11,390 students, approximately 9,100 students eat daily. The Gallup-McKinley County Schools feed 75 per cent of all these students at a free or reduced price. In a typical 20-day month reporting period a total of 189,337 lunches were served.

Menus

All menus are planned in the central office under the direction of Mrs. Fern Allen, director of cafeteria service. Menus are well balanced, attractive and comply with the nutritional requirements of the National School Lunch Program.

Quality of Food

Lunches were eaten both days in the Gallup-McKinley County

Schools - one day in town and one day out in the rural school district. The menus were identical to all other school menus on those days, and the quality of food was excellent. The quantity of food distributed to schools is adequate in every case observed. In visiting with cook-managers they indicated that ample food supplies were available, with the possible exception that at times there were problems in not getting supplies of commodities on schedule. This problem, however, is not isolated to any one district but is often the result of delayed deliveries into the state from federal sources.

Equipment

School kitchens in the entire district are well equipped, although there is a severe limitation of space in a number of the schools visited. Gallup High School and Jefferson have adequate space and excellent equipment. Church Rock School is very small for the number of children being fed, although the equipment is comparable to that seen in other local schools. The kitchen space at Thoreau Elementary is very limited for the number fed, and the dining room space at Crownpoint High School shows lack of planning in the original building stages. The inadequate space which is available is located in a drafty lobby area at the entrance to the building. These problems reflect the need for consultation with specialists in related fields at the time that architect plans are being drawn. The equipment at Crownpoint High School and Crownpoint Elementary School was very adequate and up-to-date.

Breakfast Program

The Breakfast Program is in operation in all schools on the reservations and at Red Rock School in town. The Gallup-McKinley County School District has been a leader in the state as well as in the southwest region in establishing breakfast programs for children. The breakfast program was visited at the Church Rock School and an excellent response was shown by the children as well as the administration. Mr. Hinman, principal, made the statement "the breakfast program is one of the best things that has ever happened to our school." The cooks are enthusiastic about the program and indicated that they have encouraged the children to drink their milk, eat their cereal and in general take advantage of all food that is offered to them.

During the month of January there were 1716 breakfasts served each day in the Gallup-McKinley school District in eleven schools. No charge is made to the children for this

breakfast in most cases. At Zuni some reduced price breakfasts are sold, and at Red Rock there are some fully paid. School breakfast reimbursement covers the cost of food, and Title I has provided funds to augment the labor force and cover some other nonfood cost in order to make this program available to all children.

Reimbursement

An analysis of the books at the Gallup-McKinley County School District showed that the total reimbursement received from the National School Lunch Program for the period of September through January 1971 totaled $201,298. Johnson-O'Malley and BIA payments for the same period totaled $122,705. This results in a total reimbursement from these two sources of $324,003. Title I expenses totaled $17,020 which covered salaries of 24 employees, full-time and part-time, for breakfast programs. The cost of food alone for a comparable period of time has run $296,372. The labor cost for this period of time has been $162,632. It is, therefore, obvious that the operating cost for this period has exceeded the income from these two sources by approximately $85,000. Additional income, of course, has been realized from children's payment, Title I sources and sale of extra milk. The total operation appears now to be operating at just a break-even point with the possibility of a balance of approximately $30,000. However, the monthly cost of operation is approximately $85,000. So a balance of $30,000 does not represent even a sound margin for operation in a nonprofit enterprise. It would appear that there is no question but what Johnson-O'Malley funds as well as all other funds are clearly being expended for the purpose for which they have been intended.

Study Recommendation - Page 63

The recommendation made on page 63 of the report calls for a special all-Indian Task Force to assess the nutritional status of Indian children. Such a survey would be advantageous. Staffing for such a program perhaps would come through one of three sources, school lunch (under special research and study), Johnson-O'Malley program enrichment fund or special Title I funds. A special study has been authorized under a Department of Agriculture program; a study of this type would do much, in all likelihood, to encourage improved dietary patterns both in the home and in the school. A program of this type would have to be instituted through an application for funds from a special program project.

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CONCLUSIONS

The school food service program in Gallup-McKinley County School District has been a leader among all programs in the state and indeed in southwestern states for some time A report published by the Office of Navajo Economic Opportunity (ONEO) in July 1970 entitled "Report and Analysis of the Present Feeding Programs on the Navajo Reservation and Recommendations for Their Improvement" makes the following comment on page 40, Item 5: "Feeding programs in McKinley County show that programs vary to meet almost everyone's needs. In regard to luncheon programs, the principal or school nurse determines who will be eligible for a free lunch based on family income and economic status. If a child so desires, he may pay for only a portion of his lunch. A child may even work in the cafeteria in order to earn his lunch. All McKinley County Schools affecting Navajos now operate breakfast programs. This was made possible through ONEO assistance. Up until February 1970, the following schools did not have programs (breakfast programs) or had programs which were using volunteer help. They are: Crownpoint Elementary, Tohatchi Elementary, Crownpoint High, Tohatchi High, Thoreau, Church Rock and Tse Bonito. These schools now have full-scale free breakfast programs for everyone with all kitchen help being paid by the ONEO. (Kitchen help as of now (February 1971) is being paid by Title I funds and ONEO funds)". In evaluating school food service program of the Gallup-McKinley County School District all phases of this operation were found to be sound and in accordance with recommended procedures and principles for food service.

Expansion of the Breakfast Program to the Gallup City Schools where many needy children, Indian and non-Indian, would benefit from these services is recommended. It is felt that the children of McKinley County, Indian and non-Indian alike, are receiving outstanding advantages and benefits because of the quality of the school food service as well as the interest and commitment of personnel involved.

CONCLUSIONS

It is felt that the report "An Even Chance" along with the reviews, critiques, investigations and other activities that preceded and followed the report may result in a positive contribution to education and community understanding in Gallup-McKinley County and the remainder of New Mexico. Every publicly supported institution should be reviewed by outside auditors from time to time. In order for such reviews to be beneficial to the local institution and to the local population, the integrity and dignity of the institution being reviewed must be maintained. Objectivity and a positive desire to help must be the high priority concerns of the reviewing teams.

Members of a reviewing team must be careful not to have preconceived conclusions or biases to which they consciously or unconsciously scale their questions and findings.

When only small samplings of opinions, attitudes or other subjective type material can be taken (an unfortunate situation when so much is at stake), a reviewing team must be careful to sample all segments of an affected population and truly report both the positive and the negative responses of the sampling. It is all too easy to fall into the trap of interviewing and recording the responses of those who support the views, concepts and hypothesis of interviewer or member of the reviewing team. If a vocal minority is able to distort the true situation because the majority was not afforded the opportunity of having a spokesman, then it is possible that injustices could occur.

A skillful and effective investigation of a problem presupposes that both the investigating team and the groups being reviewed are properly oriented to the situation and that all of the people involved understand the method, purpose and objective of the investigation. To conduct an investigation without the presence of these factors certainly would lessen the validity of any investigation or study.

The ultimate result of any investigation should be better communications, better understanding and improved performance involving the community or institution that is being investigated. If this is not to be the ultimate purpose of a review, then time and funds should not be utilized for the purpose of conducting the review.

The Gallup-McKinley County Board of Education, the staff of the Gallup-McKinley County schools and the people of Gallup-McKinley County must continue to serve all of the children of their district with a quality educational program. Those positive suggestions from the report "An Even Chance" must be implemented as resources are made available. The report perhaps may be viewed as one of several resource documents that will assist the people of McKinley County, New Mexico, to continuously improve life in the county.

It is to be expected and it is suggested that other documents and resources for measuring the effectiveness of the utilization of special school funding, such as Johnson-O'Malley funds, Title I ESEA funds or any other special funds designated for particular

groups, be studied and that the decisions for action not be based exclusively on any one report or investigation.

RECOMMENDATIONS

1. Even though there is ample evidence that Johnson-O'Malley funds and Title I ESEA funds have been utilized for the purposes intended, continuous proof and documentation must be maintained and be readily available so that any independent fiscal or program audit will show these facts in such a way that they will be understood by the investigator. It is not enough that the school system be doing a good job of utilizing supplementary funds properly. The system must also do a good job of informing the citizenry, especially the school patrons, of how these programs are being conducted.

2. The allegation that the Gallup-McKinley County Board of Education was not representative in that it had only one Indian member is now a mute question. The majority of the Board - three of five members - is now Indian. The central issue, however, still remains. The local Board of Education must communicate with, interact with and listen to the voice and the needs of all groups in both the city of Gallup and the rural areas of McKinley County.

The increased activities of a school community nature and the increase in the number of local advisory committees along with local PTA activities is commendable. Board members should attend these meetings and participate in them as often as possible.

The conference room where the School Board holds its official meetings is not conducive to interaction or cross communication between the Board and the people they have been elected to serve. Something should be done to change this arrangement. Board members and school staff members should utilize every possible opportunity, county-wide and at the local level, to interpret the educational programs and to feel the pulse of the communities on educational matters. Inasmuch as there are presently several sizeable groups not represented on the School Board, extreme care should be taken to guarantee that all interested groups, factions and cultural groups have ample opportunity to present their views and their needs both to the local Board of Education and to the school staff.

3. Gallup-McKinley County is fortunate in that it has a variety of rich cultures. It would seem imperative therefore, that, in the selection of staff to operate the schools of the county, those to be employed should have a good knowledge and a strong appreciation for the several great cultures of the county.

4. It would seem to be unthinkable that educators be permitted to work in the schools of Gallup-McKinley County without a strong orientation to the land and its people. It is recommended, therefore, that an exemplary pre-orientation and a strong inservice education program in cultural awareness and inter-cultural relations be developed in the school system. The valuing of human dignity along with the appreciation and promotion of individual worth, or the positive self-image regardless of the students' family, ethnic or socio-economic background, ought to be paramount in all of the training

and the teaching in the schools of the county.

If there are those now employed in the school system who can not accomodate to and assist in the growth of members of a particular group, those particular staff members should be removed from direct contact with student or school patrons who might be affected by the negative attitudes. If there are staff members in positions of influence who are guilty of prejudice or discrimination, they should be reassigned.

If it is determined by the Gallup Board of Education that one or more central office staff members are providing a deterrent to communication between the Board and the community, immediate action must be taken to eliminate the situation. It is more than distressing to hear the Director of Special Services make derogatory remarks in public regarding funding for public education for Indian children. The Gallup Board of Education must investigate immediately this attitude and take corrective measures.

5. It would perhaps be of benefit if the Gallup-McKinley County School system would develop additional expertise in the areas of community relations and in school community cooperation. As has been mentioned previously, there has been positive progress in this particular area within the last year. Much yet needs to be done. The State Department of Education needs to provide leadership to local school systems to develop the above capability. Perhaps several pilot or developmental "action research" programs to augment the efforts of local schools would assist in increasing school community cooperation. In researching the budget

for the district, it is evident that funds are available that could be used for piloting a school community awareness program.

6. All school systems in New Mexico, including the Gallup-McKinley County system, need to become more accountable to the people. The Gallup-McKinley County system might do well to begin to explore the possibility of developing a set of goals and objectives that would be meaningful and relevant to the people of the county. Since there is already a good network of advisory committees established, this could be a meaningful project for such groups who could be assisted by school staff and local board members. The development of measurable objectives should be a total community effort.

In developing such objectives, the Gallup Board of Education should contact several representatives of Indian Education, such as the Navajo Education Association, in order that the objectives developed will result in relevant educational experiences for all children in the district.

It is suggested that the citizens of Gallup-McKinley County view the report "An Even Chance" as a possible warning beacon of potential difficulties and not as an absolute mandate of the majority of the county's citizens. We too often tend to treat reports that possess the dignity of the printing device as having greater credence. The ultimate judges of the report are the people of the county. The printed word does suggest permanence and reliability but conditions do change and sometimes change rapidly.

The "An Even Chance" investigating team and the New Mexico

State Department of Education investigation team are in a situation at two different points of time. They might even have viewed the situation with various points of view. Which of the two sets of conclusions more closely represent the actual conditions, as indicated, perhaps only the people of Gallup-McKinley know, and to date only a small fraction of the people have had the opportunity to express themselves.

Perhaps the most important question is What will the schools of Gallup-McKinley County be like in the future? This, too, can be answered only by the people. It is up to all of us to help the people find the answers.

7. It is strongly recommended that the Gallup Board of Education adopt a policy, consistent with state statutes, to provide assurance that public records are made available to investigation and the public if requested. All staff members, especially principals, should be made aware of the policy and should establish procedures for implementation.

8. The superintendent in Gallup should immediately remove cause for questioning of the use of Title I and Johnson-O'Malley funds to supplant the state and local responsibility in hiring nurses.

9. Title I equipment which was found in ineligible schools should be removed immediately before the entire Title I, ESEA allocation is jeopardized.

10. Regarding the formulating plan for the use of funds for categorical aid, the Gallup Board of Education and the administration

should not only look at meeting the legal intent of the various federal laws and regulations, but it is felt that those responsible for developing these projects have a moral obligation to determine that funds appropriated for Indian children are used for this purpose.

Those individuals on the staff of the New Mexico State Department of Education who are charged with the responsibility of approving such programs are directed to determine that the moral and ethical obligations, as well as the legal obligations, are met.

The State Superintendent will personally scrutinize each of these projects before approval is granted.

11. The Gallup Board of Education is directed to replace old, outdated and unfit buildings as specified in the report "An Even Chance" as soon as possible. The Gallup Board of Education should use all means at its disposal to alleviate this situation. By merely submitting an application for P.L. 815 funds, the Gallup Board has not met its responsibility. The education of children of non-property owners is the responsibility of the Gallup Board of Education, not the federal government.

THE END